

Attorney Docket: Danielson et al. SP03-091
Affidavit Under 37 C.F.R. §1.132
Page 1

RECEIVED
CENTRAL FAX CENTER

JUL 18 2005

PATENT
DANIELSON SP03-091

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): DANIELSON et. al.
Serial No.: 09/124,352
Filing Date: July 29, 2003
Title: POROUS GLASS
SUBSTRATES WITH
REDUCED
AUTOFLUORESCENCE

Affidavit Under 37 C.F.R. §1.132

Group Art Unit: 1641

Examiner: M. Yu

Assistant Commissioner of Patents and Trademarks
Patent and Trademark Office
Washington, DC 20231

Affidavit Under 37 CFR §1.132

DR. BRUCE AITKEN, being first duly sworn, on oath depose and say as follows:

1. That he is a U.S. citizen currently residing in Corning, New York.
2. That he received the degree of Doctor of Philosophy in Mineralogy and Petrology from Stanford University in 1979; that from 1979 to 1983, he was at the US Geological Survey and the Max-Planck-Institut fuer Chemie; that from 1983 to the present time, he has worked in support of Corning Incorporated's Science and Technology businesses; and that he currently holds the position of Research Fellow, as employed by Research and Development of Corning Incorporated at Corning, New York;
3. That he has considerable experience in glass compositions; that he has established himself as a recognized, worldwide expert in non-oxide glasses; that since 1983, he has been engaged in a research program resulting in a series of new glass and glass-ceramic systems for cookware and precision molded optics applications; that from 1995 to the present time he has been, and still is, engaged in research translating the physical and optical characteristics of

Attorney Docket: Danielson et al. SP03-091
Affidavit Under 37 C.F.R. §1.132
Page 2

materials into glasses; and that he has discovered a new family of materials, the world's first example of inorganic glasses with plastic-like mechanical properties as well as discovering a novel, very high strain point family of oxide glasses with silica-like properties that is particularly well suited for display and electronics-on-glass applications; and that he has been issued 41 patents, 9 are pending, and has numerous technical reports and journal publications;

4. That he is familiar with all of the various publicly known processes for including material compositions into glass; that based on his research experience, he is also aware of many of the techniques employed by companies and academics outside of Corning Incorporated, and to the extent such techniques are reported in the technical literature or can be ascertained by close inspection of finished parts, for glass compositions including transition metal ions; and that he has extensively practiced many of those methods;
5. That he has been informed that claims directed to the tinted porous region as well as claims to the resultant product in the above-entitled patent application, as described by P. Danielson et al., have been rejected based on a reference (Pantano) that describes a substrate that includes ZnO as a component; that he has been informed that the basis in part for such rejection is the position of the patent office that zinc would impart a tint to glass when incorporated in the composition; that specifically, the PTO stated, "since zinc is not transparent it will provide a tint, and is therefore considered a colorant component" (See Office Action, p.7, ¶10);
6. That zinc ion compositions, as commonly known by those in glass chemistry, will not tint the glass in any way; and that based on his experience and as commonly used in the art of glass chemistry, the above mentioned zinc, as a transition metal ion, is not considered a tinting agent;
7. That in reviewing the glass compositions listed in the Pantano reference, that include ZnO, the resultant glasses are in fact clear/white and are not tinted.

Attorney Docket: Danielson et al. SP03-091
Affidavit Under 37 C.F.R. §1.132
Page 3

Deponent further states that in summary, it is his opinion that in the field of glass chemistry, ZnO is not considered a tint agent and will not impart color or tint to a resultant glass composition; that for all of the above reasons, it is his opinion that the specification of the above referenced patent application provides sufficient detail to enable one of ordinary skill in the art to incorporate transition metal ion "colorants" into a glass composition to achieve a "tint".

Further deponent sayeth not.

Signed at Corning, New York, this ____ day of August, 2001.

Bruce Aitken

State of New York)

County of Steuben)

On the ____ day of July, 2005, before me personally came Bruce Aitken known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public